

15-423 VENEZUELA V. HELMERICH & PAYNE INT'L

DECISION BELOW: 784 F.3d 804

LOWER COURT CASE NUMBER: 13-7169, 13-7170, 14-7008

QUESTION PRESENTED:

The Foreign Sovereign Immunities Act (FSIA) provides that "a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States except as provided in sections 1605 to 1607 of this chapter." 28 U.S.C. § 1604. Under the Act's expropriation exception, in pertinent part, "[a] foreign state shall not be immune * * * in any case* * * in which rights in property taken in violation of international law are in issue." *Id.* § 1605(a)(3).

The three questions presented in this petition concern the requirements for pleading jurisdiction under the expropriation exception. They are:

1. Whether, for purposes of determining if a plaintiff has pleaded that a foreign state has taken property "in violation of international law," the FSIA recognizes a discrimination exception to the domestic-takings rule, which holds that a foreign sovereign's taking of the property of its own national is not a violation of international law.
2. Whether, for purposes of determining if a plaintiff has pleaded that "rights in property taken in violation of international law are in issue," the FSIA allows a shareholder to claim property rights in the assets of a still-existing corporation.
3. Whether the pleading standard for alleging that a case falls within the FSIA's expropriation exception is more demanding than the standard for pleading jurisdiction under the federal-question statute, which allows a jurisdictional dismissal only if the federal claim is wholly insubstantial and frivolous.

GRANTED LIMITED TO QUESTION 3 PRESENTED BY THE PETITION.

CERT. GRANTED 6/28/2016